

Message Text

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C O N F I D E N T I A L MANAGUA 4164

E.O. 11652: GDS

TAGS: PINT, NU

SUBJECT: MILITARY COURT BEGINS NEW CYCLE

SUMMARY: A NEW MILITARY COURT OF INVESTIGATION HAS BEEN CONVOKED TO EXAMINE ABOUT 80 PERSONS LINKED TO FSLN INCIDENTS IN LAST FOUR MONTHS, WHILE A SPECIAL COURT-MARTIAL WILL BE HELD CONCURRENTLY TO TRY 28 INDICTED BY THE PREVIOUS INVESTIGATION COURT. THESE ACTIONS SUGGEST THAT THE STATE OF SIEGE, INCLUDING CENSORSHIP, HAS BECOME SOMETHING OF A PERMANENT FEATURE IN NICARAGUAN POLITICAL LIFE. END SUMMARY

1. A NEW CYCLE IN THE LIFE OF MILITARY JUSTICE WHICH WAS ORIGINALLY INITIATED EARLIER THIS YEAR FOLLOWING THE LOS ROBLES INCIDENT WILL COMMENCE SHORTLY ACCORDING TO NATIONAL GUARD AUTHORITIES. A PRESS RELEASE DATED OCTOBER 25 STATES THAT SOME 80 PERSONS WILL APPEAR BEFORE A MILITARY COURT OF INVESTIGATION (ROUGHLY CORRESPONDING TO A GRAND JURY IN ANGLO-SAXON CRIMINAL PROCEDURE) BEGINNING IN THE NEXT FEW WEEKS. THE 80 ARE ALLEGED TO HAVE HAD SOME CONNECTION WITH CLASHES SINCE JULY BETWEEN NATIONAL GUARD AND FSLN ELEMENTS
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IN CHINANDEGA, LEON, NUEVA SEGOVIA AND MATAGALHF.

2. THE ANNOUNCEMENT WAS MADE TEN DAYS AFTER THE FORMATION OF A SPECIAL COURT MARTIAL TO TRY THOSE INDICTED BY THE PREVIOUS MILITARY COURT OF INVESTIGATION. OF THE 39 PERSONS AGAINST WHOM THE MILITARY PROSECUTOR FINALLY BROUGHT CHARGES

IN THAT PROCEDURE, 11 WERE RELEASED BY THE COURT FOR LACK OF SUFFICIENT EVIDENCE, 22 WILL BE TRIED IN ABSENTIA (INCLUDING MOST OF THE FSLN LEADERSHIP) AND SIX WILL DEFEND THEMSELVES IN PERSON. OF THE SIX, ONLY ONE WAS CHARGED WITH HAVING A SPECIFIC LINK TO THE LOS ROBLES AFFAIR.

3. IN THE COURSE OF HIS INTERVENTION ON BEHALF OF AN AMERICAN CITIZEN RECENTLY, THE CONSUL HAS LEARNED THAT ALL OF THE DOZEN OR SO MANAGUA JAILS CONTAIN FSLN SUSPECTS WHO WILL PRESUMABLY APPEAR BEFORE THE COURT OF INVESTIGATION. WE UNDERSTAND FROM CONSERVATIVE SOURCES THAT ANOTHER FEW SCORE ARE CURRENTLY BEING DETAINED IN JAILS IN NUEVA SEGOVIA AND JINOTEGA. SCORES MORE, PRINCIPALLY HUMBLE CAMPESINOS AND THEIR FAMILIES, HAD BEEN DETAINED FOR VARYING PERIODS OF TIME AND THEN RELEASED AS A RESULT OF NATIONAL GUARD DRAGNETS FOLLOWING FSLN INCIDENTS IN THESE AREAS.

4. COMMENT: MILITARY JUSTICE FOR CIVILIANS IS AUTHORIZED UNDER THE STATE OF SIEGE INVOKED AT THE TIME OF THE LOS ROBLES INCIDENTS. EXTREME CENSORSHIP AND CAVALIER TREATMENT OF HABEAS CORPUS PROVISIONS ARE MAJOR FEATURES OF THIS SITUATION, BUT THE OPPOSITION CHARGES AND GON CONCEDES THAT CENSORSHIP IS THE PRINCIPAL OBJECTIVE IN MAINTAINING THE STATE OF SIEGE. ALTHOUGH THERE HAD BEEN REASON TO BELIEVE THAT THE STATE OF SIEGE WOULD TERMINATE AT THE CONCLUSION OF THE JUDICIAL INVESTIGATION OF THE LOS ROBLES INCIDENT AND THAT THE ACCUSED WOULD BE REMANDED TO CIVILIAN COURTS, THE LATWST MOVES TEND TO CONFIRM FEARS OF THE OVERT OPPOSITION THAT THE STATE OF SIEGE MAY BE PERPETUATED INDEFINITELY ON THE PRETEXT OF SUBJECTING ALL INVOLVED IN THE FUTURE WITH FSLN ACTIVITIES TO MILITARY JUDICIAL SCRUTINY. SINCE GON AUTHORITIES, INCLUDING PRESIDENT SOMOZA, HAVE TOLD US THAT THE EXTERMINATION OF THE FSLN GUERRILLAS MAY TAKE SEVERAL YEARS, IT WOULD NOT BE RASH TO ASSUME AT THIS POINT THAT THE STATE OF SIEGE, CENSORSHIP, ET AL, HAVE BECOME CONFIDENTIAL

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A PERMANENT FACT OF POLITICAL LIFE. IRONICALLY, BECAUSE THE MILITARY PROCEEDINGS ARE NOT CENSORED, THE FLSN WILL CONTINUE TO ACCRUE GREATER PUBLICITY THAN THE OVERT OPPOSITION, ENHANCING THE MYSTIQUE OF THE FORMER AND DIMINISHING THE IMAGE OF THE LATTER.
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